

## **BOARD OF MAYOR AND ALDERMEN**

**October 16, 2007**

**7:30 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

Mayor Guinta called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest.

- 3.** Presentation of the Bright Ideas Award to Colleen Driscoll, Police Department Payroll Coordinator.

Mayor Guinta requested Ms. Lamberton and Ms. Driscoll to come forward.

Virginia Lamberton, Human Resources Director, the City of Manchester adopted a Quality Council and a Bright Ideas Program about four years ago and the purpose of the program is for employees to make suggestions that will increase economy, efficiency, save money and improve safety. The program also provides for awards if people do something that is way out of their job duties that might save a life or something like that. Well Colleen made a suggestion, she does payroll in the Police Department, and her suggestion will minimally save the Police Department \$8,800 this year. And so there is an evaluation committee that reviews the suggestions made up of different employees throughout the city as well as a private citizen and the committee voted unanimously to give Colleen a \$500 Bright Ideas check so we are giving it to Colleen today and congratulating her.

- 4.** Presentation of the Askew Award to Edward Wojnilowicz, Recreation Enterprise Manager and Marty Boldin, Youth Services Director.

Mayor Guinta requested Mr. Wojnilowicz and Mr. Boldin to come forward.

Ms. Lamberton stated the City also sends employees to what is called a certified public manager program or a certified public supervisor program which is sponsored by the State of NH. This program is a nationally certified program and the supervisor program is a one year program for people that are new supervisors or potential supervisors and there is a two year program that is called the Certified Public Manager program and that is for people that are new managers or managers that would like to brush up on their skills. We actually have about a dozen people graduate from both of the programs each year. Part of the graduation process is that if you are in the two year program you have to do a major project, it is not easy. The employees who participate in this not only keep up with their work at work but they also spend an extraordinary amount of time doing projects on their own time. Ed, who

works in the Parks Department and Marty who works in the Youth Services Department got together and developed a unique program for the city of Manchester and the Americorp people too.

Mr. Boldin stated we got together and Parks and Rec and the Office of Youth Services tried to think of a more creative way to get people that are sentenced to community service to make better contributions to the city. So along with Karen Lord and our friends from CityYear got together and what we did we took kids that were referred for community service and paired them up with people from the young heroes program and we did a variety of projects around the city. This offsets the cost of some of the projects that we have to do on the city clean up but it also gives young people who are at risk a great opportunity to meet some of the best and brightest young people in the community and hopefully help turn them around, and Karen is here today and she did a tremendous amount of work on this project, I just want to thank her publicly for that.

Ms. Lamberton stated so the state people thought that their project was so great that they submitted it to the national program to receive a national award and we should all be really proud that two employees from the city of Manchester received a national award called the ASKEW award and they received medallions and certificates and some other stuff that is coming we just haven't received it yet. But we really should be proud of them because they did it from the heart but they also did on behalf of the people in Manchester, and they also graduated.

Mayor Guinta presented the awards.

### **CONSENT AGENDA**

Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Pole Petitions – approve under the supervision of the Department of Highways**

- B.** PSNH Pole Petition #11-1174 located on South Beech Street;  
PSNH Pole Petition #11-1175 located on Holt Avenue; and  
PSNH Pole Petition #11-1176 located on Red Coat Lane.

### **REPORTS OF COMMITTEES**

#### **COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC**

- F.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**HAVING READ THE CONSENT AGENDA ON MOTION OF ALDERMAN O'NEIL,  
DULY SECONDED BY ALDERMAN ROY, IT WAS VOTED THAT THE CONSENT  
AGENDA BE APPROVED.**

- A.** On October 5, 2007 authorizing the Police Department to expend up to \$100,000 for Gang/Drug Interdiction Activities.

*(Unanimous vote with the exception of Aldermen Roy and Gatsas who were unavailable.)*

- E.** Resolution:

“Authorizing the Finance Officer to effect a transfer of One Hundred Thousand Dollars (\$100,000) from Contingency to Police.”

These items were addressed together.

Alderman Gatsas stated he was in favor of doing something on gang activities but thought they could wait and direct the police department to go out and do this for drug interdiction activities but can't we wait to find out if they need the money in their budget. There is no reason that we have to move it now from contingency. There is nothing that says if they come to us in April and say they don't have enough that we would certainly give them the money, but there is nothing to know right now only three months into the budget that they don't have the funds to support it. I am certainly in favor of it but there is no reason to move the money until they know they need the money.

Mayor Guinta stated I know there were twelve years to the request which was made after consultation with the Chief and Deputy Chiefs regarding additional funds for gang and drug interdiction. I think it certainly is important over and above what they have funded at this point, if the pleasure of the Board is a different mechanism I certainly be happy to entertain it, the operation is currently ongoing as we speak based on the ratification of this poll.

Alderman Gatsas stated that was fine but his point was they were three months into the budget, they were hiring police officers but he did not know if they hired them July 1<sup>st</sup> so the funds that were appropriated there may be enough without us having to move money out of contingency at this time. I am not opposed to moving it in three months or four months if they need it. There is no reason to do it now until they know that they need it.

Deputy Chief Simmons was requested to come forward.

Alderman O'Neil commented that he was not aware this item was going to be pulled, he might have called the Deputy ahead of time to ask these questions so I'm not sure if you have the information. This has been authorized a week now, do you know what amount of money was spent in that week.

Deputy Chief Simmons replied offhand I don't have the exact number it has been a small amount at this point. I would guess around 2-3 thousand dollars.

Alderman O'Neil asked if there was a weekly budget as to how this money was to be spent.

Deputy Chief Simmons responded yes, we are monitoring this almost like a special project.

Alderman O'Neil asked if we should expect that \$2-3,000 would be spent every week.

Deputy Chief Simmons replied no, depending on the type of operation we have some weeks might be a little more obviously some might be less. We are trying to be creative with what we are doing. We are keeping an eye on intelligence and what is going on out there. We will make adjustments each week.

Alderman O'Neil asked if it was expected that there will be some funds spent every week through the fiscal year.

Deputy Chief Simmons replied yes.

Alderman O'Neil asked if he believed we could spend \$100,00 in that time.

Deputy Chief Simmons stated by the end of the fiscal year yes I do.

Alderman O'Neil stated specifically for this and this is different from what we called the former street sweeper, but we called guns and drugs this is separate from that.

Deputy Chief Simmons responded correct.

Alderman Lopez stated I agree with Alderman Gatsas, we can earmark \$100,000 from contingency and you can spend the money that you have. You have overtime money, you can move money around like we did last year, knowing that you are going to get \$100,000 I think what we are saying you've got the \$100,000 in contingency, come February or March the Finance Officer will review the finances of the department and see whether or not you need that \$100,000. It's always there if you need it for salaries or whatever the case may be, I don't see any reason in the world that you can't spend \$100,000 out of a \$21 million budget.

Deputy Chief Simmons responded the \$21 million budget, I understand what you are saying that's not all overtime of course and I will tell you that if you put us in that mode we will certainly be back, we might be back anyways, but we will definitely be back.

Alderman Lopez stated that's very true and put you in that mode but it also gives you an opportunity to continue with it, you are authorized to spend \$100,000 over your budget, you have \$100,000 in contingency and you come back April and you need the \$100,000 we will give you the \$100,000 it's earmarked and the finance officer will earmark it, so it gives a more thinking aspect of working the \$21 million budget that you do have.

Deputy Chief Simmons stated that they could separately identify these funds for this operation and give you a tracking of how much is spent on this particular operation.

Alderman Gatsas asked how much the police department last year at the end of their budget lapsed into the rainy day fund.

Deputy Chief Simmons responded he did not believe they did.

Alderman Gatsas stated you didn't lapse anything, you spent every nickel in that budget.

Deputy Chief Simmons responded I'm thinking the surplus was around \$30,000.

Alderman Shea stated just by way of justifying this type of a role by the police I believe that last Wednesday you were over on the west side discussing about gangs and so forth, and obviously it's a critical situation and all of us here are certainly in favor of the expenditure that's being enacted. I think that it's the necessary type of operation that you people in overtime along with the state police are performing and I believe that certain aspects of the society in Manchester in certain areas were pointed out by the Attorney General Tom Colantuno as well as the local County Attorney Wageling, thus the necessity for this type of an operation and I think as time goes on and as more information is gathered I think it will make the streets safer in all wards and I think that it is necessary and I think Your Honor you were speaking in terms of programs in that regard and I think if we work together both for the funding as far as Alderman Gatsas brought out, as well as the operation in terms of the state police and linking all of these things together, I think that is an important community concept that we should adopt and I really thank the police department and the mayor's office and others for getting together and doing that.

Alderman Gatsas moved that the Board go forward with Gang and Drug Interdiction but not take money out of contingency at this time and if the police department needs those funds at a later date they come forward and we certainly would move that money to them. Alderman Lopez seconded the motion. There being none opposed the motion carried.

- C. Minutes of the MTA Commission meeting held on August 28, 2007 and the Financial and Ridership Reports for August 2007.

Alderman Gatsas stated on page 1 and 2 of their minutes they are talking about a payroll deduction for health insurance for part time employees. I know you can't do it on a pre-tax and they are talking about doing it on a pre-tax exemption for part time because the IRS does not recognize that as a plan, so my question is, I am not able to read it it just ends at financial will inform the board that it will discuss the contact with him with their decision, so I am not sure what they decided but I've got some concerns that they are putting a plan in, their 125 cafeteria plan in jeopardy and I'm not sure what was done with it, so is there any way we can have them report back to us.

Alderman Gatsas requested that MTA report back to the Board on what they have done with the part time health insurance and whether they have deducted on a pre-tax basis, and who's going to be responsible if an employee doesn't have enough in his account.

Mayor Guinta requested the clerk make a notation and have a written report to the Board of Mayor and Aldermen.

On motion of Alderman Gatsas, duly seconded by Alderman Pinard, it was voted to receive and file the MTA minutes and report.

- D.** Communication from the State of NHDES advising of three evening seminars for local officials representing communities with stressed wastewater treatment plants to be held on November 5<sup>th</sup> in Littleton, November 8<sup>th</sup> in Concord, and November 14<sup>th</sup> in Keene.

Alderman Devries noted she had a quick question for Frank Thomas which she clarified for her edification but for anyone else on the board that may have read the invitation from DES, I looked at the second page of that invitation where it was said specifically who they recommended attending, and I saw capacity issues, aging waste water treatment, facilities and need for new permits and those seem to apply to us here in Manchester, my question did we need to have anybody at the meeting.

Mr. Thomas stated no we don't. We have been working some time with a masterplan to upgrade the waste water treatment plant, we've been in contact with the state, EPA, we are quite a ways along in the process, we have already made some improvements and upgrades to the plant and will be making more in the future. The cost of upgrade was built in to the rate increases that we recently go, so we are ahead of the curve, I think these sessions are for plants that haven't yet moved as far as we have, but I think we are probably in very good shape and probably could give the classes.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to receive and file the communication.

7. No nominations were presented by Mayor Guinta.

7. Confirmation of nominations to the Board of Recount as follows:

Richard Danais to succeed Andre Martel (term limit), term to expire October 1, 2009; and

Arthur J. Beaudry to succeed Peter McDonough (term limit), term to expire October 1, 2009.

On motion of Alderman Pinard, duly seconded by Alderman Roy, it was voted to confirm the nominations to the Board of Recount as presented.

8. Report to be presented regarding funding sources for Police radios and equipment.

Mayor Guinta advised the clerk was handing out the response that he had after meeting with Planning Director and Finance Director regarding the police radios and allowed time for them to review.

Alderman O'Neil noted there were three other items totaling approximately \$27,000, it was an additional speed trailer, some speed counters and two ATV's, is there any recommendation on that.

Mayor Guinta stated they passed correct.

Alderman O'Neil stated yes but I think we haven't identified the funding source, it passed but it was subject to the funding source. Maybe Chairman CIP Garrity remembers. Do you remember we had a discussion about two ATV's, an additional speed trailer and 3 speed counters I think we passed it subject to finding the money.

Mr. Sanders stated we were including the \$27,000 in the entire spending that we were going to talk about in Item #8, so we were including the \$27,000 in with the radios themselves.

Alderman O'Neil stated he did not see that in the communication it specifically referenced the radios, because as important as the radios are I think we all agreed that items related to speed enforcement and I think Alderman Forest can talk first hand about just in his ward not counting other wards the need for the ATV, so unless I missed it reading it I didn't see them in there.

Mayor Guinta stated I apologize it was omitted but the recommendation would be to purchase up to the 50 and the batteries in their current appropriation and it would also include the \$27,000.

Alderman O'Neil stated so any option we go with it includes the \$27,000.

Alderman Forest stated that brings a question up for me because I was under the impression that when we passed the ATV's and the radar counter last week the discussion and debate was on the 210 radios, I was under the impression that the ATV's they were already authorized to purchase those last week.

Mayor Guinta stated I believe it was authorized subject to identifying a funding source, asking if that was accurate Mr. Sanders.

Mr. Sanders replied no.

Mayor Guinta requested the Clerk clarify.

Deputy City Clerk Johnson stated there were two separate motions made at the last meeting both were based on reports of the Committee that had reported out to the Board. The first included the ATV's, the traffic counters and other equipment as well as the 50 radios. The motion that was taken on those was to authorize the police department to go out and purchase those. Subsequent to that there was a second motion that came to the Board that authorized the police department to go forward and purchase 210 radios. It was taken in two separate motions. In another separate action of the Board there was a funding mechanism that got delayed until this meeting. So there was in essence three separate actions and the Mayor advised the Board at that time that the Planning Director, Finance Director and he would meet and a report would be made back to the Board at this meeting as to what the funding sources were for all of those things, but the police department had already been authorized to purchase. I am not sure whether they have acted on that.

Alderman O'Neil stated so clarification on that Your Honor, are we saying then that the three items, the \$27,000 item, that was to come out of their budget.

Mayor Guinta stated they were authorized from their budget.

Deputy City Clerk Johnson stated they were authorized to purchase, there was no funding mechanism that was placed.

Alderman O'Neil stated that was my point I thought that we were going to find the \$27,000.

Deputy City Clerk Johnson stated it was understood that that was coming back to the Board for funding but the were authorized to proceed and purchase them.

Alderman Lopez stated the way I recall it was that the three items was suppose to be taken and ordered the next day out of their budget and we would guarantee them the money in the contingency fund, so we have wasted all of this time in not ordering 50 radios like we should have. As Carol, the City Clerk is absolutely correct we took one motion for that. So I don't



know we just keep delaying and delaying for some reason we get things mixed up somewhere along the line.

Mayor Guinta stated it was a very convoluted discussion and vote, so let's all err on the side of caution and give everyone the benefit of the doubt. So right now the police department is authorized to purchase 50 radios; they were authorized in the first motion to purchase the 50 radios and asked the clerk to clarify the other.

Deputy Clerk Johnson stated it was the 50 radios, the ATV's, the traffic counters and the speed trailer.

Mayor Guinta stated they were authorized to do that at some point we would provide them the dollars whether it is contingency or somewhere else. The separate issue that we have to take up is the remaining 210. So the letter that I have handed out speaks to that issue.

Alderman Lopez stated I think that earlier Carol Shea Porter, Congressman, one of her aids came over and gave us a letter that was distributed and I was wondering if the City Clerk could read it into the record so that we have it.

Alderman Gatsas requested to ask a question.

Mayor Guinta stated he is trying to make a connection between this letter and a funding source and requested the clerk to proceed.

Deputy City Clerk Johnson read the communication as follows:

Dear Mayor Guinta and the Distinguished Board of Aldermen:

I write today to update you on the status of a project that was included in the Fiscal Year 2008 Commerce, Justice, Science and Related Agencies Appropriations bill. The version of the bill passed the House of Representatives in July includes my request of \$125,000 for the City of Manchester to assist the police department in updating and modernizing antiquated law enforcement technology and to provide new equipment to better assist with inter-department communication.

We are very optimistic that this funding will remain in the final version of the Commerce, Justice, Science and Related Agencies Appropriations bill. The Senate is just now considering their version of the bill and is expected to pass the legislation as early as this evening. When they do, our two bills will have to be reconciled by both chambers. We will continue to update you as the appropriations process proceeds and as we have further information to report.

Please feel free to contact my office should you have any questions about this project. I look forward to continuing to work with you on behalf of the citizens of Manchester.

Sincerely,  
S/Carol Shea-Porter  
Member of Congress

Alderman Lopez commented that he understood where Alderman Gatsas was going for the additional 210 radios, but requested the Deputy Chief come up to address the Board.

Alderman Lopez stated there has been a lot of discussion whether you want 210, whether we want to give you 260 and try to find the money someplace in the budget and it has been recommended by the patrolman deputy Lussier that we buy 50 this year and move on for five year replacement of radios, and what is your recommendation so we can make some intelligent decisions here.

Deputy Chief Simmons replied my opinion would be that we could live with a replacement schedule of 50 radios each year. We would take the 50 old radios that we had and we can use those as replacements and/or supplement what we currently have. However, as discussion came to this Board it was recommended that we replace all of these radios. It's certainly not that we are not suggesting that happen, however we also understand the funding sources that are required to do such a thing, so if you are asking me professionally if we can live with 50 radios each year yes we can.

Alderman Lopez stated we already have a motion that we are going to buy the 50 radios, so thank you.

Mayor Guinta clarified that that motion was acted on at the last meeting so they have been authorized to purchase those radios.

Alderman Shea stated and predicated on whether or not the funding the source will come.

Mayor Guinta stated I think the understanding of this Board is that.

Alderman Shea stated any place the funding would come from we would deeply appreciate it.

Alderman Roy stated I will stage my comments to be as politically correct as possible but there was nothing convoluted about the three motions that were made. The final one unanimous y this Board authorized them to buy 210 additional radios and asked for a report of where that funding would come from. Not a letter from the Mayor's office with two pages backed by the deputy of why for the finance security of Manchester we should buy 50 instead of 210.

Mayor Guinta stated excuse me alderman but that is out of line.

Alderman Roy stated it was not out of line.

Mayor Guinta stated the Board asked me to provide a report, that's what I did.

Alderman Roy stated a report on a funding source, not an alternative to buying 210 radios.

We voted as a Board to provide 210 radios, am I wrong Madam Clerk.

Deputy City Clerk Johnson replied the Board authorized the purchase of 210 radios.

Alderman Roy stated the report tonight was how we pay for it. This alderman sits here making policy decisions for this city looking at yes, we could get by with 50 and we could salvage parts and supplement and repair, but they are overdue, we should have had this conversation four and five years ago and put away \$165,000 which is why the deputy is worried if we replace everyone of them now then we will be having this conversation five and seven years from now. What I am saying is let's fund the 210, get them new radios and have the conversation of what we do in the future so we are never in this predicament again. We do it with our motorized equipment. We do it with everything that we need to replace on a yearly basis in the city. We authorized the 210, we should come up with a funding source for it, and personally the \$840,000 is more important than most parks or new parks or some of the extras we do, the money we give to many CIP we should go ahead and keep our employees as safe as possible. We shouldn't be talking about what a good alternative is, we should just do it, get it done, keep our employees safe.

Alderman Gatsas asked Deputy Chief Simmons, did you make any inquiry on what the discount would be if you bought 260 radios.

Deputy Chief Simmons stated we were told it was GSA pricing and that's standard pricing for that amount of money, however in speaking with Fire Communications we would meet with the company rep and although funding itself may not be less than what we expected, there may be some things in line like training or software implementation that we could toy with for such a large order.

Alderman Gatsas stated so there is no bulk pricing.

Deputy Chief Simmons stated no, I believe it is GSA pricing they go with the state bid price.

Alderman Gatsas stated and that is what the state is paying for them.

Deputy Chief Simmons responded I believe so yes.

Alderman Gatsas stated you are not sure.

Deputy Chief Simmons replied I don't know if the state has a Macomb, I know that it is GSA pricing and whether there is somebody in the state buying the same radio I don't know but it is my understanding that it is the state bid price.

Alderman Gatsas asked Mr. MacKenzie how much money the city had in the one time accounts with all the property that we have sold.

Mr. MacKenzie stated the finance director could give you a current number, there are three future sources that should be coming back into the one time fund but the Finance Director could give you the current amount.

Alderman Gatsas asked how much those three sources are and how much the total is. What you are saying is the new money coming in.

Mr. MacKenzie replied yes.

Alderman Gatsas asked how much is that.

Mr. MacKenzie replied sometime in the next 12 to 15 months we anticipate the JacPac property will be sold and that sale price will be \$3.6 million. The other two are not quite finalized yet, Ash Street School is going to be closing and that's probably going to be \$250-300,000 and the Wellington Hill property will be on the order of \$800,000 to a million dollars, our share of that.

Alderman Gatsas stated so if I said conservatively we are going to get \$4.6 million in the next 12 to 15 months, and how much is in that account now.

Mr. Sanders replied \$1.1 million.

Alderman Gatsas stated so that is \$5.7 million, are there any other accounts Mr. MacKenzie that we have that have one time monies in them.

Mr. MacKenzie stated those are the projects that are in the one time account, or expected to go in to the one time account.

Alderman Gatsas stated we have no other accounts that have money in them.

Mr. MacKenzie stated there is a rainy day fund, there are a couple other reserve accounts that the city has.

Alderman Gatsas ask what are the reserve accounts.

Mr. Sanders responded we have a health insurance reserve with about \$1.5 million in it, a rainy day fund with about \$10.5 million approximately, a workers compensation and general liability insurance that is probably about \$3 million in total.

Alderman Gatsas stated and if this Board recollects there is \$1.3 million that's still out there floating that's still in the budget for health insurance. That \$1.3 million that I attempted to put into the reserve account is still in this budget today. We have the ability to take \$800,000 from that \$1.3 million, deposit the rest into the medical savings account and pay for the radios to make sure the police officers are protected. That's there and it is available. It's been sitting there for four months. There is no reason not to do what we are going to do because I certainly don't want to sit here with a crystal ball one day and say we here that a police officer is down because his radio didn't work.

Alderman Osborne stated as I said last time I went with the 50 radios because I went along with the police department's request. I didn't want to micromanage what they say. I think a new radio can go on the blink as well as an old radio, so it's a hard thing to decide too which radio is going to fail and which one isn't, so I go along with 50 radios and take it in a five year stage where the police department says to do it, it's the right thing to do that way there you can get the new radios and deplete the five years so they don't buy them all at once and they all go on the blink in five years at once.

Alderman Forest stated I want to make a comment, I don't know if Deputy Simmons knows this or not, Officer Paul Fleming who retired two years ago as a community police officer made a suggestion about the ATV's and when to use them and why and the troubles that we may have because we don't have them. This Board finally voted to give the police department the authority to purchase the ATV's and the equipment. Since the last meeting Deputy Lussier and I right now are the only one's who know and I am not going to tell you either, we have an anonymous donor who has agreed and suggested that they will buy the two machines for the police department. So Deputy Lussier and I will meet with that entity shortly to finish the deal with them. I want to give Officer Paul Fleming the credit for working so hard on this project that took five years to culminate tonight. The other thing is the money that is left over, the \$12000 I assume the police department are going to use for the equipment and the trailer for the ATV's that was not included in what we did the other night.

Alderman Smith I am looking at the literature that has been passed out, the two chiefs, Glen and Gary had the option and it is signed by you Gary and it said option number one, 50 radios, and that was the recommendation from the Deputy Chief before is that your recommendation now.

Deputy Chief Simmons responded that was our original request, and as I indicated tonight we can live with that request. Are there other alternatives, yes there are? Certainly buying all the radios is a fine alternative, but if you are asking me if we can live with 50 radios each year as long as it is funded each year we could do that. If by chance we felt we couldn't next

year or the year after we would certainly come back before this Board and address it because we thought the scheduling was too conservative.

Alderman Smith stated I believe this and I am all for police protection but I am looking at 50 radios for five years, if you buy all the radios right now we are going to be in the same situation five years from now or else you will have to have a plan to replace new radios in three or four years, because if you buy 250 they are all going to go practically the same time.

Deputy Chief Simmons responded yes and no. If we bought all 50 yes in five years they would all be five years old and we would start looking at them, but we could probably set up a more conservative replacement schedule down the road.

Alderman Shea stated we have been beating this to death two different sessions I would like to make the motion in other words find out how many people are in favor of 210 additional radios, in addition to the 50 and let's have a roll call because we can keep talking about this and reserve funds and so forth. So let's decide those who are in favor of the additional 210 radios at this time say yes, those that are not vote no.

Mayor Guinta stated so moved by Alderman Shea.

Deputy Chief Simmons stated if I could just clarify before you take that vote. We understand you approved the 50 but there was discrepancy as to how many more we would need, there are 250 old radios, so the 50 which you approved would leave 200.

Alderman Gatsas stated we have also allocated funding for the new officers to have that equipment so there is another 20 radios that have been purchased and I think 8 from last year, so I think I would leave it Your Honor to whatever they need to replace all radios for the complement.

Mayor Guinta stated the motion on the floor which I haven't accepted yet, made by Alderman Shea, and the second is now by Alderman Forest, and if the Clerk could repeat it please.

Deputy City Clerk Johnson stated well I am going to restate it based on the discussion that's been going here, I think it is to rescind the previous action of the 210.

Alderman Gatsas interjected no, that's not what he said.

Deputy City Clerk Johnson stated well because you will be going to 200 now or less, and it is my understanding that it is to replace the radios for the full complement, but there is a question here from the clerk because there was a statement by the police department at a previous meeting that some of this is not strictly for the complement but also for radios that are not necessarily carried by police officers.

Mayor Guinta requested Deputy Simmons provide a number for the motion.

Deputy Simmons replied it would be 200.

Deputy City Clerk Johnson stated so the motion as I understand it they are looking to rescind the 210 and authorize the purchase of 200 radios, and it was Alderman Shea by Alderman Forest.

Alderman Lopez asked in reference to the 50 radios, if you got the 50 that you were already authorized are you concerned with the safety if you don't get the other 200 radios for the police officers.

Deputy Chief Simmons responded no, I believe those radios that we have now are suitable to continue to use. I think as we indicated previously we need to put them on a replacement schedule. I believe the 50 radios would be adequate.

Alderman Lopez stated I wanted to bring it to the attention because I got chastised for it with bond counsel the chair talked to bond counsel and so have I and if you recall the conversation that as long as we were replacing the 3.6 million dollars our bond rating would not change because we used money to give back to the taxpayers and used money for operations within the city that was necessary for the police department, fire department other places so I'd be very, very cautious in not putting that \$3.6 million back with the answer the deputy just gave us the 50 radios are sufficient at this time and if he comes back at a future time and says he needs him that's the way we ought to go.

Alderman O'Neil asked I want to make sure I understood you right that if we authorize replacement of 50 and you are supporting that, you are also saying there has to be an ongoing replacement program.

Deputy Chief Simmons responded that's correct.

Alderman O'Neil stated probably something along the lines of 50 each year for the next four years.

Deputy Chief Simmons replied yes, as we indicated that is a conservative scheduling program.

Alderman O'Neil stated no matter what number we come up with on radios the other equipment is included in that.

Mayor Guinta stated the other equipment that was referenced earlier has already been voted on at the last BMA meeting.

Alderman DeVries stated that based on the letter His Honor had distributed tonight that you have vetted this very well with Chief Jaskolka and you are very comfortable with the 50 a year radio.

Mayor Guinta responded I am comfortable with it, I think it is an appropriate action for us to take and I think we should commit to, at least as a policy measure to creating a replacement program. I think it is also more financially feasible and this Board and future Board I think would also be on that as an appropriate replacement schedule. I would also note that the current motion does not include a funding mechanism. In the letter that I have placed before the Board, identifies in my view that there is no additional funding mechanism, and we would have to further identify cuts or other appropriations from within the budget to pay for it if we were to pay for it all at once.

Alderman DeVries stated if in future budget years, a future Board, we have a concern we might be able to pass the dollars just as we do this year out of the reserve funds that have been mentioned by both Alderman Gatsas and Alderman Lopez.

Mayor Guinta stated as a matter of policy I think it is more important for us to properly budget for it rather than take it out of funds that are expressly suppose to be utilized for other areas of city government. So in my view, we have authorized the 50, it is fairly certain that the next budget that is presented to this Board would include a replacement schedule and it sounds like everybody would, at least on that position, vote for it. So I am very comfortable with the recommendation and the re-recommendation of the police department to move forward with an appropriate replacement schedule.

Alderman O'Neil noted he had brought this up at the last meeting, based on the research Deputy Simmons did with the Fire Department there is no savings per radio whether we buy one or 1,000.

Deputy Simmons agreed.

Alderman Gatsas stated with all due respect I did give you a funding source and that was \$1.3 million that is still in the budget, that money is there it has not been allocated to anything, it's been sitting there. I tried to make the allocation be moved to the insurance account and this Board refused to do it, so it is still in the budget, it is a funding source, it is not coming from one time monies, that's in our budget today. And if we need verification of that I think Ms. Lamberton can tell us that it is still there because it didn't move into the reserve account or maybe the Finance Officer can tell us that. But there is \$1.3 and we can use \$800,000 and put the other \$500,000 into the medical reserve account. So I have given



you the funding source -that doesn't come out of any one-time monies and it is available there to do.

Mayor Guinta stated the one comment I would make is that that money should not have been in the budget in the first place. That was based on a conservative estimate that I had originally made, and I agree with you sentiment that it should be in a reserve account. So again that would require us to alter what the budget adoption intention was.

Alderman Gatsas stated that money was money that we saved on the medical savings, but it hasn't gone there and I had said that this Board was going to use it for something else so there is the funding source for it.

Mayor Guinta asked the clerk to read the motion.

Deputy City Clerk Johnson stated the motion is to rescind the 210 that was authorized at the last meeting and to authorize the purchase of 200 radios.

Alderman O'Neil asked what relevance that had to the 50 radios, all we are talking about is rescinding 210 to 200.

Deputy City Clerk Johnson responded yes.

A roll call vote was taken. Aldermen Shea, DeVries, Garrity, Smith, Thibault, Forest, Roy, Duval, Osborne, Pinard, and Lopez. Aldermen Gatsas and Roy voted yea. Alderman O'Neil abstained.

Alderman Roy stated so since the vote for 200 radios failed, the vote for 210 last week stands as the action taken, asking the clerk if that was true.

Deputy City Clerk Johnson advised that the Board at the previous meeting voted to authorize the purchase of 210 radios. That has not been overturned as of this point.

Alderman Roy stated so Alderman Gatsas could make a motion regarding the funding of the 210 radios which is what we should be talking about.

Alderman Lopez stated that he wanted to add that the Mayor was suppose to come back to this Board, and he did. The funding source that was being referred to was the health insurance account.

Alderman Roy stated at the last meeting a motion was made that the 210 radios that we gave the police department a directive to go buy them, and that the mayor's office was to come back with a funding source for 210.

Alderman Lopez stated if the police came back tomorrow and said they needed radios or a new vehicle tomorrow you know darn well we are going to do it. Let's manage this a little different, we have the 50 radios and stuff moving forward so why are we prolonging this ...

Mayor Guinta stated a motion would be in order to accept the report.

Alderman Shea stated he would make a motion to get rid of the 210 radios, and take a roll call so that those who want the 210 can vote yes and those who do not can vote no.

Mayor Guinta stated Alderman DeVries had seconded the motion and asked if everyone understood the motion.

Alderman Forest responded no.

Deputy City Clerk Johnson advised that the motion as she understood it was to rescind the authorization to purchase of 210 radios.

Alderman Shea stated a yes vote is to get rid of the 210.

Deputy City Clerk Johnson replied yes would be to rescind the action, correct.

Alderman Forest asked if this would be considered a reconsideration vote, shouldn't he have done that at the last meeting.

Deputy City Clerk Johnson replied Alderman Shea had voted in the negative at the last meeting, he could not have reconsidered, but could have given notice, it was a parliamentary question for the chair.

Mayor Guinta advised he would rule the motion was in order.

Alderman Gatsas challenged that ruling stating that he believed if you vote in the affirmative you can make a motion at the next meeting, if you voted in the minority you must do that at the same meeting and notify the clerk.

Deputy City Clerk Johnson advised on a reconsideration he would give notice, stating that on the roll call vote at the last meeting Aldermen Gatsas, Long, O'Neil, Garrity, Forest and Roy voted in the affirmative. Aldermen Osborne, Lopez, Shea and Thibault voted in the negative.

Mayor Guinta asked for a way to resolve the issue so they could move on.

Deputy City Clerk Johnson stated anyone who voted in favor could make a motion to rescind the vote, the Mayor could not accept Alderman Shea's motion as being out of order and take another motion.

Mayor Guinta so ruled the motion out of order.

Alderman O'Neil moved to rescind the authorization to purchase 210 radios. Alderman Duval seconded the motion.

Alderman Gatsas stated there is a motion to reconsider, as I understand it.

Deputy City Clerk Johnson replied no, there was a motion on the floor made by Alderman O'Neil to rescind the previous action seconded by Alderman Duval who was not present at the last meeting. In response to question Deputy City Clerk Johnson stated there was nothing in the rules that state Alderman Duval could not second the motion, and the Mayor had accepted the motion as she understood it, and she believed the City Solicitor was reviewing.

Deputy Solicitor Arnold stated the rule, specifically rule 10 states that a motion for reconsideration for a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority or unless notice is given.

Mayor Guinta stated he accepted the motion.

Alderman Roy questioned the solicitor stating if the person making the second was not at the meeting, are they voting in the affirmative or the negative, they were a non-voting member so therefore they can't second it.

Deputy Solicitor Arnold stated that the rule stated the motion shall not be considered unless made by a member voting with the majority it doesn't refer ...

Mayor Guinta stated it is silent on the second and called for a vote. The vote was unclear and Mayor Guinta requested a roll call.

Discussion ensued as to whether the motion was to reconsider.

Deputy City Clerk Johnson advised that the motion was stated not as a reconsideration but as a rescission not as a reconsideration.

Mayor Guinta stated he had requested the roll call because he was unclear of the vote and requested it proceed.

Aldermen Roy, Gatsas, Long and Forest voted nay. Aldermen Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault voted yea. The motion carried.

Deputy City Clerk Johnson clarified for the Board that there were two 4-wheel ATV's, trailer, helmets, and two GPS units at a cost of \$12,000; three traffic counters at a cost of \$8,250; there was radar speed trailer at a cost of \$7,000 and 50 radios at a cost of \$175,000. Those have been approved at the previous meeting of the Board and there has been no other action as of this point.

On motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to recess the meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

### **OTHER BUSINESS**

- 11.** Report(s) of the Committee on Finance, if available.

There was no report of the Committee on Finance.

- 12.** Communication from Leo Bernier, City Clerk, suggesting that the first meeting in November be held on Wednesday, November 7<sup>th</sup> due to the Municipal General Election being held on the first Tuesday.

On motion of Alderman Duval, duly seconded by Alderman Thibault, it was voted to schedule the meeting on November 7<sup>th</sup>.

- 13.** Communication from Leo Bernier, City Clerk, requesting the Board set the polling hours for the Presidential Primary (such date yet to be scheduled) from 6:00 AM until 7:00 PM.

On motion of Alderman Pinard, duly seconded by Alderman Forest, it was voted to approve the request and schedule the polling hours.

- 14.** Review of Revenue Projections for the FY2008 Tax Rate to be presented by the Finance Officer.

A handout was distributed to members of the Board.

Mr. Sanders referred to the handout stating it referred to the current expectations of the 2007 tax rate noting highlighted in the far right column was the expected tax rate for 2007 of \$16.58. There are a couple open items in the computation of the rate, and the numbers have

been highlighted in blue. The Assessors office will be completing the final valuation figures by the end of this week so we are showing you here the minimum valuation that the Assessor has told us, there is a possibility that the final valuation may be somewhat higher, if the valuation is higher the rate would be somewhat lower. They expect to be done that at the end of this week and then we will be able to fill out the remainder of the form to send to the DRA. The estimates are preliminary subject to the final sign off by the DRA which hopefully will take place in the next ten days. The rate of \$16.58, compares to the 2007 rate of \$16.85 so it is a decline of 1.6%, which by and large consistent with the budget that was approved by the Board of Mayor and Aldermen in the spring. Overall the revenue estimates that we are sending to DRA are consistent with the budget, as decreases in auto registrations and building permits have been offset by higher than expected surpluses both here and at the school district in addition we received a higher equitable education grant for 2007 than we originally projected, so overall our revenues are slightly higher than we were at budget time by about \$7,000 and once we receive the final valuation figures from the Assessors office we will be ready to send this to the DRA and finalize the rate hopefully later this month.

Alderman Gatsas stated the state school rate is that, it looks to me, if I remember correctly and I could be wrong that it was 224 for this year.

Mr. Sanders stated they give us the dollar value that we will receive from the state property tax and the rate is so to speak backed into based on the valuation, but what the locked in number is, is what the dollar value is.

Alderman Gatsas stated so you are saying the locked in number is 23 million.

Mr. Sanders stated that is correct.

Alderman Gatsas stated not the 24 million that we had in the budget, 24,660,132.

Mr. Sanders stated that is correct, this is the final state number, the 23 million dollar figure.

Alderman Smith asked when do you think we will get information from the Department of Revenue Administration of what the tax rate will be, sometime in mid November or when.

Mr. Sanders responded I am currently hopeful, if we get the information up to them this week, or early next week, we would hopefully have it by the end of October or very latest, early November.

Alderman Lopez stated I am very happy that the rate came in at \$16.58, minus 1.6 over the budget that the Mayor and Aldermen passed. I just wanted to know you are not counting the revenue for vehicles, how much was not counted in this.

Mr. Sanders stated we reduced the estimates for auto registration through the year by \$940,000. The original budget was \$16,250,000 and we've included \$15,310,000 which is slightly higher than we received for the last fiscal year.

Alderman Lopez asked about the Building Department.

Mr. Sanders responded the Building permit number has been reduced by \$150,000 to \$2,050,000 which was the budget for the last year. They are already about \$200,000 lower in building permits this year then they were for the same period a year ago.

Alderman Lopez stated he wished to point out to some of the department heads that were here in presenting their revenue projections they have to be very careful because the revenue projects that they gave the mayor when he presented his budget with the revenue is not going to materialize so that is a million dollars right there that we could have added for the tax rate, and in reference to the school department what are we looking at for the school department surplus when it was projected at 750.

Mr. Sanders stated the final surplus that the school district reported was \$1,350,000 for the year. About \$600,000 higher.

Alderman Lopez stated so looking at the surplus and stuff like that basically we are about \$2.5 million to the good, instead of the 3.5 because of the one million, we are not counting one million in revenue. The 1.350 from the school department and the extra from the education fund, 347,792 and then a surplus where we projected 750 and we are coming in at 840 so that's 2,537,000 had we not included the increased revenue from the registration and the building department we can't use the figure of 3.5 because we are taking a million from there.

Mr. Sanders responded no exactly, if I could just say it my way, in the original budget that was approved in the spring, we assumed a 750,000 surplus at the city side, and 750,000 on the school side. The school did better by 600,000 with 1.350 million, and the city did 90,000. We had about 840,000. So from a surplus point of view the school and the city generated about 690,000 above and beyond what was originally forecasted or expected. Above and beyond that we got 347,000 in equitable education money for about a million dollars more in surplus and equitable education money than we originally forecast. The offsets to that unfortunately were the auto registrations of about \$940,000 and \$150,000 in building permits. So basically offset each other.

Alderman Lopez stated he was happy they were coming in at \$16.58, which we projected.

Alderman Shea stated just a note, I think that the school department, as we talked today Mr. Sanders, you indicated that the money that they receive are revenue funds could you explain how much money the school district returned to the city in terms of revenues they received rather than expenditures which the budget is divided into.

Mr. Sanders stated one portion that they will be returning to the taxpayers is the \$347,000 of additional adequate education money. Then a large portion of the \$1.350 surplus that the school district reported was a revenue surplus. Unfortunately I don't know as I sit here tonight what the split was between revenue and expenditure but I would expect a substantial portion of the surplus was revenue.

Alderman Shea asked if some of it came from expenditures that they didn't use.

Mr. Sanders replied that it was a portion of the \$3,350 million is some expenditures, I don't know how much of it is though.

Alderman Gatsas stated just a clarification, not all Board members voted for that budget because taking one time monies to reduce it to show that there was a tax reduction is just something that we are going to go back to the taxpayers for in this next budget process.

Mayor Guinta stated not necessarily because we could further find efficiencies to makeup that shortfall.

Alderman Gatsas stated that's not necessarily true, we still took one time money to....

Mayor Guinta stated you are absolutely right.

Alderman Gatsas stated that is exactly what occurred, that's how we got there and not everybody on this Board voted for that.

Mayor Guinta stated that's correct, and I would hope in the future budget we try to make that up to efficiencies.

Alderman Gatsas stated I would hope that we would never do it again, taking one time money to reduce the tax rate.

Mayor Guinta stated that is why I never put it in my original proposal in the first place.

Alderman Gatsas stated we talk about the school district sending back \$1.3 million to the city of which \$750,000 of that or \$650,000 is going to go to the rainy day fund, and every day I pick up a newspaper and I hear about how teachers are spending money out of their pockets to put supplies in their classrooms, and I look and say we budgeted money for the school

district I don't think that any teacher should have to take money from their pocket to supply classrooms when we see \$1.3 million being returned to the city side, we don't have control of their budget, and I would think that if teachers need supplies in their classrooms that the administration of the school district would supply those teachers so that the students can be taught with the proper paper and whatever else they need for supplies, it shouldn't be coming back here because that \$1.3 is on last year's tax rate and for every million dollars can the assessor or finance officer tell me what the tax rate increase is. 19 cents for every million.

It was noted the number was 10 cents for every million.

Alderman Gatsas stated so we basically put 13 cents on the tax rate and we got money back from the school district, that doesn't make sense.

Mayor Guinta stated the argument is they shouldn't have been funded in the first place or.

Alderman Gatsas stated either that or they should have given it to the teachers for supplies in their classrooms.

Alderman Lopez stated the budget passed and yes the \$1.8 million, but we gave back to the taxpayers \$1.7 million. They are getting a tax cut this year; there is no question in my mind. And I would do it again because that money has been putting away for five years just sitting there doing nothing. And so it is their money and thought we managed it very good this year as we move forward. Your comment in reference to the school, in reference to management, we talked about management in departments in this city. Their surplus is \$840,000 on this side. They managed their budget pretty good, so we are going to penalize them, no we give a budget and managers manage the budget and if there is a surplus, which we have always had, in eight years we have always had a surplus from the managers for some reason or another, either they didn't fill all the personnel they didn't have and that's where most of the money comes from, not from equipment, there is very little from equipment, so I think the managers are doing a good job and if they are going to give us \$1.3 back from the school department, I think they managed it pretty good over there.

Alderman Shea stated I know when Alderman Gatsas was talking about the money going into the rainy day fund, Mr. Sanders was sort of shaking his head and saying no, could you explain whether the money is going into the rainy day fund, or where is that money that they are returning going to.

Mr. Sanders stated the surplus from the school does not come back into the city coffers and go through the computation to the rainy day fund. The surplus that is generated by the schools goes directly to reduce the school tax rate on the form, as is the surplus that I am showing on this form for the city is already after, the \$840,000 for example is after what's been designated to the rainy day fund, so we put \$840,000 in the rainy day fund and then the



remaining 50% another \$840,000 goes to the rate. But the school district surplus does not go into the rainy day fund.

Alderman Garrity moved to accept the report. Alderman Smith seconded the motion. The motion carried with none recorded in opposition.

- 15.** Communication from Freda Hawkinson, Spokesperson for the Non-Affiliated employees, requesting the Board's consideration of items submitted noting same has been negotiated by other bargaining units within the City.

Mayor Guinta recommended the item be referred to non-public session.

On motion of Alderman Shea, duly seconded by Alderman DeVries it was voted to refer the item to a non-public session.

- 16.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Deputy City Clerk Johnson advised the amount of the warrant was \$158,858.33.

Alderman Thibault moved to commit the warrant in the amount of \$158,858.33. Alderman DeVries seconded the motion.

Alderman Gatsas stated I have some concern because that is a higher amount than we normally see come through and my concerns are is that if sewer charges are not being paid there could be in implication that tax bills may not be being paid and that concerns me from the revenue side on the city. We know that real estate times are a little tough right now and I would like to get some sort of handle on that from the tax collector before we go down a road a little too far and may not know that there may be a problem.

Mayor Guinta stated so a report from the Tax Collector with a projection as to what the percentage collection rate would be for the upcoming tax bill. Mayor Guinta requested the Clerk advise the Tax Collector and not wait until the next BMA meeting just get the letter issued to the BMA from the Tax Collector as it is available.

Mayor Guinta called for a vote, the motion carried unanimously.

- 17.** Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred Seventy Five Thousand Dollars (\$2,475,000) for the City of Manchester's portion of the costs for renovating the Manchester School of Technology.”

On motion of Alderman Roy, duly seconded by Alderman Smith it was voted to waive the reading by title only.

Alderman Thibault moved that the Bond Resolution pass and be enrolled. Alderman Garrity duly seconded the motion. There being none opposed the motion carried.

### **TABLED ITEMS**

- 19.** Report of the Committee on Bills on Second Reading recommending that Ordinance:  
“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”  
ought to pass.  
*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*  
*(Tabled 09/05/2006)*

This item remained on the table.

- 20.** Report of the Committee on Bills on Second Reading recommending that Ordinance:  
“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”  
ought to pass.  
*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*  
*(Tabled 09/05/2006)*

This item remained on the table.

- 21.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2<sup>nd</sup> mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.  
*(Unanimous vote)*  
*(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)*

This item remained on the table.

- 22.** A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:  
“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”  
be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

*(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)  
(Tabled 06/05/2007)*

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

*S/Alderman Lopez  
(Tabled 06/05/2007)*

(Note: additional communications from Alderman Garrity and petitions enclosed.)

This item remained on the table.

## **23. NEW BUSINESS**

A report of the Committee on Human Resources/Insurance was presented advising that it has approved reclassifications for positions in the Finance Department and City Solicitors Office, and the establishment of a VISTA Program Manager classification and for such purpose recommends related ordinances be referred to the Committee on Bills on Second Reading.

Alderman Shea moved to accept, receive and adopt the report. Alderman Garrity duly seconded the motion.

Alderman Lopez stated he knew it was a new classification, who would the VISTA individual report to.

Deputy Clerk Johnson advised that the job classification didn't state that, Ms. Lamberton is here to address that if you wish, but my understanding is the VISTA program has been placed under the Health Officer at this point.

Mayor Guinta stated we have referred this to Tim Soucy for a current overview and administration of the program and I have asked him for a report after he feels he has been able to adequately review the program to make a recommendation as to what the new procedures and recommendations should be and that will be coming to the Board of Mayor and Aldermen.

Alderman Shea noted that those are federal funds that would be paying for that with.

There being no further discussion, Mayor Guinta called for a vote. The motion carried.

A Report of the Committee on Administration/Information Systems was presented recommending that a request of the Palace Theatre to hang a banner across Hanover Street effective immediately through the holiday season be granted and approved, subject to supervision of Highway and Police Traffic Divisions, and meeting any conditions of insurance set for by the Risk Manager.

Alderman Long moved to accept, receive and adopt the report. Alderman Osborne duly seconded the motion. There being none opposed the motion carried.

Alderman DeVries noted that constituents from Ward 8 have with us for the evening. I think you might recall they were before us earlier tonight concerned with the Brown Ave Industrial Park becoming a new site for a recycling center in the city. I have been assured twice now by Corcoran that they have no plans and no interest in relocating to the Brown Ave Industrial Park but I think my constituents from Ward 8 would like to know if there are any further plans Your Honor has, or others have to make that happen since Corcoran doesn't seem to have interest.

Mayor Guinta stated there was not plan that exists at the moment for the site that they were looking at which happens to be at Ward 8. As I understand it they have rescinded their, not rescinded, but they have no longer considered that site and they have not come forward with an alternative site. That was conveyed to me earlier this week.

Alderman DeVries stated as it was to me as well but that had been conveyed earlier as well and it seemed to reperculate. So is it fair to say to those including myself that have well over a 100 signatures collected at this time that Brown Ave Industrial Park is not going to be considered for this site.

Mayor Guinta stated all I can do is convey to you what they have conveyed to me and they have conveyed to me that they are no longer looking at that site.

Alderman DeVries asked if it was a site His Honor was considering is a question.

Mayor Guinta stated I have no jurisdiction to consider that it is not my company. It's a private business who is looking at sites in the city. They have conveyed to me they are no longer considering that site. I am not sure how you want me to answer the question but those are the facts that are before me and apparently before you.

Alderman DeVries stated the jurisdiction lies with the Board of Mayor and Aldermen, because it was the Board of Mayor and Aldermen that had placed or had the previous vote to place this up on Dunbarton Road, so certainly the jurisdiction is us. The question is the same, is the residents of Ward 8 are curious, if this comes before the Board of Mayor and Aldermen is this something that you are asking to bring to the Brown Ave Industrial Park.

Mayor Guinta stated I have never said I was interested in having this at the Brown Ave site, again this is a private company who expressed publicly some interest at a location in your ward, they have now publicly stated they are no longer interested in that site.

Alderman DeVries asked Your Honor have you considered a referral to the Solid Waste Committee.

Mayor Guinta asked referring what to the solid waste committee.

Alderman DeVries stated if the project is not going to be at Dunbarton Road, and I guess that was a statement you made at the Ward 12 meeting.

Mayor Guinta replied the statement I made there was that they have rescinded their request at the Planning and Zoning Board level for Dunbarton Road, since that time they have looked at the Gaye Street site, they have expressed to me that they are no longer interested in that site. I can't answer the question more plainly than that.

Alderman DeVries stated I am not looking for that answer. My concern is for the revenue that could have come to the city of Manchester with the recycling center.

Mayor Guinta stated if there is an alternative site that you would like to work with I would be happy to hear it.

Alderman DeVries stated I am considering a referral and would make that a motion to the Solid Waste Committee where this was before so that we can have a thorough discussion of how this is going to go forth.

Mayor Guinta stated he thought the committee to take it up any time they want they don't need a referral, they could call a meeting and set an agenda for any item they'd like.

Alderman DeVries stated I am checking with Alderman Roy to see if he has any interest in taking this.

Mayor Guinta stated I haven't recognized him yet is there anything else.

Alderman Forest stated I think the Committee but Alderman Roy can answer that, I think the committee had already unanimously voted to sign a contract with Corcoran and referred it to this Board and this Board signed a contract with them for Dunbarton Road. But going away from that I understand from the last meeting that the mayor was going to meet with Corcoran shortly after the meeting, I'm just wondering if that meeting occurred and if you did what were the results of that meeting.

Mayor Guinta replied the meeting occurred between Corcoran and Mr. Thomas who is responsible for the administration of the contract, I was not there.

Alderman Forest asked if Mr. Thomas could speak to that, asking what the results of that meeting were I was understood the Mayor was suppose to be there I didn't realize he was not.

Mr. Thomas stated the Highway Department was directed by the Mayor's office to sit down with Mr. Corcoran to try to get a handle on where he was at this stage and to offer any assistance to him and maybe to try to get him to relay on to me so that it can come back to the Mayor and Aldermen. Quite frankly he is in limbo right now, he is somewhat frustrated. I suggested to him strongly that he develop some type of proposal so that both he and the Board of Mayor and Aldermen can get some direction on where he is going and that's where it has been left. I understand that he has been having some discussion with his attorney and he is going to be drafting some type of proposal. I don't know what that is, it could range from asking the Board of Mayor and Aldermen to let him out of the contract as it pertains to building a material recovery facility; it could potentially ask for financial assistance and they make infrastructure improvements to an area, or it could ask for direction to go 180 degrees so I think he is weighing a lot of those particular issues at the moment. He stated to me as of today that he is still extremely interested in implementing single stream recycling in the city and he is still extremely interested in developing a material recovery in the city.

Alderman Forest stated I'm not sure what we can do as a Board, I know Corcoran is very frustrated with the city system right now and the politics that's going on. I can honestly say we signed a contract with this man and this company two years ago and I think there has got to be some way we can reconfirm the fact that we encouraged him by RFP's and accepting this contract to build it out there and to build a recycling center to save us \$5.5 million and I don't know what we can do as a Board to reconfirm that. I guess we could make a motion to reconfirm that, the fact that we did vote unanimously to send out an RFP to work with this man and now all of a sudden we are leaving him hanging off the side of a cliff here.

Mr. Thomas stated Corcoran is very aware that he has a contract with the city and again what I have tried to strongly urge him to do is to put something down in writing to submit it to me so that I can review it as a proposal or as a general letter before it comes to the Board of

Mayor and Alderman and I believe that is where he is right now. In the process of getting his stuff together to put something down in writing.

Alderman Forest stated for the Alderman that don't know, Joanne McLaughlin, our former recycling coordinator has resigned from the city as of about a week ago.

Alderman Roy stated just to answer a few questions, if requested the solid waste committee would be happy to meet at the request of an alderman but from the chairman's standpoint there is not much more that we could do. After the better part of five years worth of work the committee recommended unanimously to this Board what direction they would like to go. This Board unanimously went ahead and approved a contract which included the Dunbarton Road site, which was approved and signed by the Mayor at the direction of this Board. Shortly before the Planning Board meeting this Board took another reaffirmation vote and affirmed again that it should be going at our old dump site where our current transfer station is. As for infrastructure improvements, and things like that, those fall under the CIP budget as I have spoken to a number of residents of that area I believe that if we were to go forward in that area that there should be infrastructure improvements as I believe there should have been infrastructure improvements long ago at the Front Street intersection and while the dump was operating there should have been sidewalks and curbing in that neighborhood. So that being said I don't believe there is much more that the solid waste committee can do except hopefully not have to find the \$5.5 million out of next year's budget that this program would have saved the city. As far as the type of business if the city wasn't involved it could be located in a number of industrial parks in the city. The city bureaucracy is really what has stalled this process.

Mayor Guinta stated he objected to that, that was not true. Let's be honest with the people who are watching and who are here in the room. First of all the \$5.5 million savings is not in year one. Secondly, the bureaucracy is not what caused the issue here. Let's remember, Corcoran pulled their application of their own will for the Dunbarton road location from Zoning and Planning. But beyond that I think it is imperative for people to understand in this city that I and it sounds like many members of this Board will not impose this plant in a neighborhood where it is not wanted. Pure and simple. We need to be listening to people and residents in each neighborhood. Mayo Guinta noted there were many things that could have been addressed or were not addressed years ago and I think that is why you are seeing the concerns by people at the Dunbarton Road site or the site in the south end. And this doesn't mean the city is not interested in recycling it wants to move ahead with recycling but if that is going to occur the requestor, the business owner does need to identify an appropriate site. That has not been done to date. Nobody on this Board is opposing that. When a business withdraws an application from zoning and planning that's on them that's not on this Board and I don't think we should be telling the public that it's bureaucracy in this city that is making this situation what it is. The business owner withdrew his application. He talked publicly about a site in the south end, he then withdrew his support or

interest for that location and quite honestly it has a lot of people in this city upset and rightly so. But this company has to demonstrate its ability to do business properly with the city and with neighborhoods before it can even be considered.

Alderman Roy thank you for returning the floor, stating while we try to show your office respect by not interrupting you I would ask for the same. I do believe and I am speaking from my perspective I do believe it is bureaucracy in the city there are people including Patrick Corcoran that have a difference of opinion of what you just said and will agree to disagree but everyone has their opinion and I believe what major stalling points of this was the process from the signing to the contract to today and I don't believe we are showing our commitment to recycling, I don't believe we are showing our commitment to Corcoran after signing that contract and that is my opinion.

Mayor Guinta stated well recycling is ongoing as we speak in this city so we are committed to it. And as far as our commitment to Corcoran, this is a company that has berated this Board, that has berated this city and we have given them a second chance. Mr. Thomas has met with them, has asked them for a proposal in writing and we are still willing to work with them so long as they can identify an acceptable site particularly to neighborhoods and if that can't happen then this Board has to make a decision as to how to move forward. But that is a responsible thing that any business owner needs to have happen in the city. Every other business owner can demonstrate that, so should this company and we are giving them again another opportunity a chance to demonstrate some alternative site in the city that they deem is appropriate as well as a neighborhood deems is appropriate and I don't think that is something that is too much to ask of any company who wants to do business in our city.

Alderman DeVries stated I think there is one additional factor that we are not considering in this so if we are looking for a totally new site for our revenue numbers to be consistent with the proposal that was before us previously that \$5.5 million that Alderman Roy was speaking of, we need to find additional city owned parcels. The purchase price would come off the potential revenues to the city and then there is also the equation of lost tax base. Especially if we are talking industrial land. We know that's very prime in the city of Manchester today. That's probably why the parcel on Dunbarton Road looked unique and special for some of us because it wasn't creating anything for the tax base today it was bringing new dollars and all of that made up the \$5.5 million that we all hoped we would see in future budgets, and that's why I had asked for further discussion on this, this is a major, major piece of policy for us as a Board and it shouldn't just be left languishing for well over a month with a lot of discussion in the newspaper and very little at this Board.

Alderman Shea stated I was kind of moved by the fact that the Medicare resolutions have been changed and I know as a former principal we did use Medicare funding in order to subsidize the school district funding process. And we did receive a letter from the



superintendent which was addressed to the center for Medicare and Medicaid services and I'm hoping that the Board of Mayor and Aldermen will support any effort that we can in terms of making sure that this funding source is not lost and I believe that letters have gone to our legislators as well as to the federal officials that represent the state, but this is so significant because this money is very valuable for special needs children and other sources that they use that money for and I'm not sure if you want to comment has that been discussed at the school district meetings.

Mayor Guinta responded a letter was voted on and supported by the full School Board to go to the Congressional delegation, that has been mailed I believe this week. We are waiting to hear responses from the delegation, if you'd like we can relay those responses to this Board as well as the School Board.

Alderman Shea responded affirmatively.

Deputy Solicitor Arnold stated with respect to Item 15, you wanted to refer it to a non-public session, I don't think it fits within the restrictions of the law with respect to recessing or any of the exemptions from public session.

Mayor Guinta stated so we either have to act on it publicly or receive and file.

Deputy Solicitor Arnold noted they could table or any number of actions they could take.

Mayor Guinta asked if it could be sent to staff.

Deputy Solicitor Arnold responded certainly.

Mayor Guinta asked how to negate the original.

Deputy Solicitor Arnold advised they could rescind the action.

Mayor Guinta requested a motion to rescind the action and refer the letter to David Hodgen, staff, for review.

Alderman Garrity so moved to rescind the previous action with regard to item #15 and refer the letter from employees to the Chief Negotiator for review. Alderman Thibault seconded the motion. There being none opposed the motion carried.

On motion of Alderman Roy moved to recess the meeting to continue negotiation strategy sessions. Alderman Duval seconded the motion. The motion carried.

Mayor Guinta called the meeting back to order. It was noted that Alderman Osborne had left.

There being no further business to come before the Board, on motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

City Clerk